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HUMAN RIGHTS COMMITTEE

Fifty-ninth session

SUMMARY RECORD OF THE 1560th MEETING

Held at Headquarters, New York,
on Monday, 24 March 1997, at 10.30 a.m.

Temporary Chairperson: Mr. TISTOUNET
(Acting Secretary of the Committee)

Chairperson: Mrs. CHANET

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The meeting was called to order at 11.05 a.m.

OPENING OF THE SESSION BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL

1. The TEMPORARY CHAIRPERSON declared open the fifty-ninth session of the Human Rights Committee.

2. On behalf of the Secretary-General, he was pleased to report that a website for the High Commissioner/Centre for Human Rights had been established on the World Wide Web on 10 December 1996; the website was available in English, with a limited number of documents in French or Spanish. The Committee's official records, as well as the provisional agenda and State parties' reports to be considered at the current session, had already been placed on the website; the Committee's concluding observations would also be put on it.

SOLEMN DECLARATIONS BY THE NEWLY ELECTED MEMBERS OF THE COMMITTEE IN ACCORDANCE WITH ARTICLE 38 OF THE COVENANT

3. Lord COLVILLE, Ms. GAITAN DE POMBO, Ms. EVATT, Mr. LALLAH, Ms. MOGHAIZEL, Mr. POCAR, Mr. SCHEININ, Mr. TÜRK and Mr. YALDEN solemnly undertook to discharge their duties as members of the Human Rights Committee impartially and conscientiously.

ELECTION OF THE CHAIRPERSON AND OTHER OFFICERS OF THE COMMITTEE

4. Mrs. Chanet was elected Chairperson, Mr. Bhagwati, Mr. El-Shafei and Ms. Medina Quiroga were elected Vice-Chairpersons and Ms. Evatt was elected Rapporteur by acclamation.

5. Mrs. Chanet took the Chair.

ADOPTION OF THE AGENDA

6. The agenda was adopted.

ORGANIZATIONAL AND OTHER MATTERS

7. The CHAIRPERSON, responding to questions raised by Mr. BHAGWATI, Mr. EL-SHAFEI, Ms. EVATT, Mr. KLEIN, Mr. KRETZMER, Ms. MEDINA QUIROGA and Mr. POCAR, said that item 11 had not been included in the draft programme of work because the Committee had not yet designated a Special Rapporteur for the Follow-Up on views. Item 6, on action by the General Assembly at its fifty-first session, could be taken up on 8 April. The Committee could increase the time allotted to communications; it should also have an exchange of views on the next draft general comment.

8. Mr. TISTOUNET (Acting Secretary of the Committee) said that it was his understanding that item 6 was to be considered in conjunction with the issue of the Committee's methods of work.

9. The CHAIRPERSON said that she took it that the Committee wished to adopt the draft programme of work, on the understanding that it would be applied flexibly, that every effort would be made to find more time for the consideration of communications during the second week of the session and that, if possible, an exchange of views would be held on item 9 concerning General Comments of the Committee.

10. It was so decided.

Reports of Chairmen/Rapporteurs of Working Groups

11. Mr. ANDO, speaking as Chairman of the pre-sessional Working Group, said that members of the Working Group had met with representatives from several international agencies and organizations, including the Office of the United Nations High Commissioner for Refugees, the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization and the World Health Organization. The Working Group had also met with representatives of non-governmental organizations active in the field of human rights.

12. The Working Group had formulated five lists of issues relating to the reports on Bolivia, Colombia, Georgia, Lebanon and Macau. It had also dealt with four draft views on cases to be considered on their merits, although it had subsequently decided not to proceed with one of them. In four cases a decision on admissibility had been combined with draft views. Two cases had been declared inadmissible and three admissible; those three cases would be considered by the plenary on their merits. Six cases involving draft views and one requiring a decision on admissibility were still pending from the previous session. It might be advisable to deal with the older cases first in order to clear the backlog.

Lists of issues to be taken up in connection with the consideration of reports submitted by States parties under article 40 of the Covenant

Second periodic report of Bolivia (CCPR/C/63/Add.4; HRI/CORE/1/Add.54)

Part I of the list of issues

13. Part I was adopted.

Part II of the list of issues

14. Mr. POCAR pointed out that some of the issues in part II had not been prefaced with the relevant articles of the Covenant. The articles should be mentioned in order to indicate the exact legal framework in which the issue was being raised. If issues did not specifically refer to articles of the Covenant, the State party's answers might be too general in nature.

15. Mr. ANDO, speaking as Chairman of the pre-sessional Working Group, said that the first three issues in part II related to article 2 of the Covenant and issue 5 referred to article 12. The relevant insertions would be made in the list.

16. Part II, as orally amended, was adopted.

17. The list of issues to be taken up in connection with the second periodic report of Bolivia was adopted.

Initial report of Georgia (CCPR/C/100/Add.1; HRI/CORE/1/Add.27)

18. Mr. ANDO, speaking as Chairman of the pre-sessional Working Group, said that references to specific articles of the Covenant would be supplied where they did not appear in part II of the list. Issues 1, 2, 3 and 12 related to article 2, and issue 6 related to article 14.

Part I

19. Lord COLVILLE, referring to issue 1 in part I, said that the Government of Georgia was not in effective control of certain areas of its own territory. It could not therefore be expected to comment on the continuing impact of the armed conflicts in such areas. The State party should be asked about the current situation in those areas and what it intended to do to ensure that the Covenant was respected in what was nominally part of its territory, in respect both of persons actually in those territories and of internally displaced persons seeking to return.

20. Ms. EVATT said that she would prefer a less emotive term than "armed conflicts" since the territories in question were actually autonomous regions of Georgia.

21. Mr. BUERGENTHAL proposed moving the second sentence of issue 1 to the end of one issue, since its current position gave the erroneous impression that the Committee was interested only in the rights of internally displaced persons, rather than in the full range of rights protected by the Covenant.

22. The CHAIRPERSON suggested that issue 1 should be retitled "Impact of the events in Abkhazia and South Ossetia" (arts. 4, 6, 7, 9, 10 and 14) and revised to read: "Please comment on the impact of the events in Abkhazia in 1993 and 1994 and in South Ossetia in 1992 on the exercise of the rights guaranteed under articles 6, 7, 9, 10 and 14 of the Covenant. Please elaborate on the status accorded to the rights enumerated in article 4, paragraph 2, of the Covenant. In particular, please clarify what is the particular situation of the internally displaced persons, what the Government intends to do in that regard and what safeguards and remedies are available to these persons".

23. Part I, as orally amended, was adopted.

Part II

24. Mr. KLEIN said that the scope of issue 9 in part II was too broad. As far as he was aware, the freedoms of conscience and religion were not under threat in Georgia. The Committee should focus exclusively on freedom of expression. It had come to his attention that the mass media in Georgia exercised a form of self-censorship. The State party should explain how the relevant provisions of the law and the Covenant were applied in practice to the mass media.

25. Lord COLVILLE said that he was opposed to the deletion of the reference to freedom of conscience because, under the Georgian Constitution, conscientious objectors were allowed to perform other kinds of work instead of compulsory military service but, in practice, that did not happen.

26. Mr. KLEIN proposed that freedom of conscience and freedom of expression should be dealt with as separate issues since they had little in common.

27. The CHAIRPERSON suggested that issue 9 in part II should be split into two issues. The first issue would be entitled "Freedoms of conscience and expression" and would relate to articles 18 and 19 of the Covenant. Its new wording would be: "Please clarify what specific limits are imposed by law on the exercise of the freedoms of conscience and expression". A subsidiary issue on article 19, entitled "Freedom of expression", would read: "How are the relevant provisions of the law and the Covenant applied in practice to the media?".

28. Part II, as orally amended, was adopted.

29. The list of issues to be taken up in connection with the initial report of Georgia was adopted.

Fourth periodic report of Colombia (CCPR/C/103/Add.3; HRI/CORE/1/Add.56)

30. Mr. ANDO, speaking as Chairman of the pre-sessional Working Group, said that issue 2 in part I came under articles 2, 6, 7, 9 and 10 of the Covenant and that issues 6, 7, 12 and 13 came under article 2 of the Covenant.

31. Mr. POCAR, referring to the title of issue 1 in part II, said that, in the interest of consistency, language similar to that of the list of issues to be taken up in connection with Georgia should be used. Accordingly, "Equality of the sexes" should be replaced by "Gender issues". That was also in line with current United Nations usage.

32. Mr. TÜRK asked why neither the issues raised in connection with Bolivia nor those raised in connection with Colombia stressed the need for states of emergency to be temporary in nature.

33. Mr. ANDO recalled that the Committee's practice had been to insist that the State party concerned do everything in its power to end a state of emergency as soon as possible. Emergency situations differed from State to State. Governments usually indicated what action they were taking in that regard. He had no objection to Mr. Pocar's suggestion to use the term "Gender issues", if that was the preference of members of the Committee.

34. Ms. EVATT suggested that the term "Gender equality" should be used.

35. It was so decided.

The meeting rose at 1.10 p.m.